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Scott. II.27-87,004-18-11-46.

Education & Public Health (194⁶) Department.

Ms. SERIES.

G.O. No. 1734 Edn.

Dated 9th Sep. 1946.

[Despatch Abstract.]

Establishment - District Board - Chingleput - Sadanadaswami
Pillai Sri M.P. - Headmaster, Board, High School, Poonamallee -
Waiver of recovery of excess of pay - Orders passed.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

T. SHUNMUGAM
PRESIDENT
CHINGLEPUT DISTRICT BOARD.

TIRUVOTTIYUR

Madras, 8 -- 3 -- 1946.

E. P. H.

Dear Mr. Brown,

Ref: - Establishment - Chingleput District Board - Sandanaswami Pillai - Sri M.P. Headmaster, Board High School, Poonamallee - Waiver of recovery of excess pay.

Government Memorandum No. 11098 B1/46-1 Edn., dated 28th February 1946.

As I wish to have a personal

discussion with you for a few minutes regarding the recovery of excess salary paid to Mr. M.P. Sandanaswamy, Headmaster, Board High School, Poonamallee, I request you to kindly inform me when it will be convenient for you for an interview.

Yours Sincerely,

11 AM.
13th. at Secy.
9346

Replied.

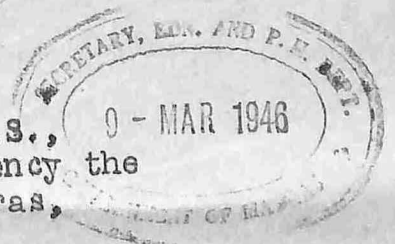
8/

9.3.46

Oct 11/46

CP

To
J.B. Brown Esq.,
C.S.I., C.I.E., I.C.S.,
Adviser to His Excellency the
Governor of Madras,
MADRAS.



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Copy of the Circular No. 9406--45-A3 dated 10-8-1945 of the Inspector of Ml. Councils and Local Boards, Egmore, Madras.

Sub: Establishment -- Local Boards and Ml. Councils -- Fixation of pay on ~~per~~ promotion to higher posts.

Read: G.O. No. 95 L.S.G., dated 7-1-1937. (m)
Government Memo No. 4415-1A-L.A., dated 3-3-1945 and
14901-2A-L.A., dated 16-7-1945.

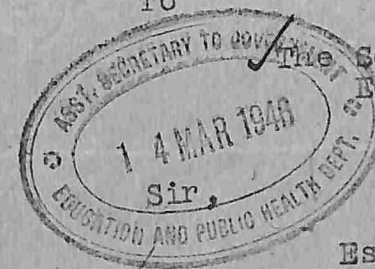
Government have recently given a ruling that if a person, who is in receipt of a personal pay granted to him to make good the loss in his substantive pay is promoted to another higher post, the personal pay should also be taken into account in fixing his pay in the ~~mx~~ higher post, notwithstanding the provisions of F.R. 9(28). They should keep in view of the above ruling of Government in fixing the pay of their subordinates on their promotions to higher posts.

(True copy)

Roc.12776--45.

Chingleput District Board's Office,
Saidapet, dated 13--3--1946.

To



The Secretary to Government,
Education and Public Health Department,
Fort St. George, M A D R A S.

Establishment - Education - Sri.M.P.Sandanaswami,
Headmaster, Board High School, Poonamallee - Waiver of
recovery of excess payment - Government Memorandum
No.11098-B1/46-1 Edn., dated 28-2-1946.

As already represented in my previous letters the audit was
able to raise the objection regarding the fixation of the pay of
Mr.M.P.Sandanaswami, Headmaster, Board High School, Poonamallee only
in October 1944 when it examined his service register along with
several others, while settling the pending objections.

In this connection I may state that considering the hardship
which the Government servants are subjected to, the Government in
their Memorandum No.14901-24-L.A., dated 16--7--1945 have since
ordered that the personal pay should also be taken into account in
fixing an individual's pay on promotion to a higher post. I therefore
request that the Government may be pleased to reconsider their decision
and order the waiver of the recovery of over-payments made upto the
end of March 1945.

I have also made a personal representation of the facts of
the case to the Adviser to His Excellency on 13--3--1946.

D.S.13-3-2

President, District Board.

Rec.No. 12776--44-A.2.

Chingleput District Board's Office,
Saidapet, dated 12--7--1946.



Sir,

Ref: Establishment - Education - Sri.P.Sandanasami -
Headmaster, Board High School, Pottamallie - recovery
of excess pay - Waiving of - Government Memo No:29589-D1-
46_1-Edn., dated 7-6-1946.

I invite the kind attention of the Government to my letter
Rec.No.12776--44-A.11dated 13-3-1946 and the subsequent reminders regarding
the above subject and request early orders.

D.S.12-7-

President, District Board.

pu C 13638

20/7/46

E.S.P.H.(B1)

Establishment - Chingleput D. Bd - Sri P. Sandanaswami
Headmaster, Bd High School, Poonamalle - Recovery of
excess pay - waiving of.
Read: - From Mr P. D. B, Chingleput, no 12776/44/R2
d. 12.7.46

95/21/

Memo no 13638 - 3 B1 d. 22.7.46

The P. D. B, Chingleput is informed
that the matter is under consideration.

has
20/7

22.7.46

To
P. D. B,
Chingleput.

Note: - The main file concerning the fixation of
pay of Headmasters in the new scale has been sent
to L.A. Orders the decision in that file is awaited

101/9/9

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E.S.P.H.(B1)

Establishment - District Board - Chingleput -
Sandanaswami Pellai, Sri M.P. Headmaster Board
High School Poonamalle - Waiver of recovery of
excess pay - Order passed

Read
Go. no 192 Edu dated 28.1.46
From the P. D. B, Chingleput Roc. 12776/45 813346

7/9/46

Encls no 1734 Edu. D. 9-9-46
Sri M.P. Sandanaswami Pellai Headmaster
Board High School, Poonamalle, was drawing a
pay of Rs 100 plus a personal pay of Rs 20 as
L.T. Assistant. On promotion as headmaster
on 30.4.40, his pay should have been fixed
at Rs 110 in the scale of Rs 110-10/2-170 plus
a personal pay of Rs 10. His pay was however
incorrectly fixed at Rs 120 and he was granted
the next increment from 30.4.42. Objection was

pointed out in audit that the fixation of the pay of the headmaster was irregular, that the increment granted from 30.4.42 was inadmissible and that the amount paid in excess from 30.4.42 onwards should be recovered.

2. In G.O. No. 190 Edu dated 28.1.46, the Govt waived the recovery of the amount overpaid from 30.4.42 to 31.7.43 on the ground that if the service register of the headmaster had been furnished as soon as it was called for objection would have been raised to the fixation of the initial pay at Rs 120 before July 1943 and the irregular payment could have been avoided thereafter. The P.D.B. Chingleput points out that objection to the fixation of initial pay at Rs 120 was really raised only in d. F. 751 of 28.9.44 and that there is no justification for the over payment made before October 1944. In the circumstances, the Govt sanction as a special case the waiver of the recovery of the amount overpaid from 30.4.42 to 30.9.44 (inclusive)

28.9.46

2.9.46

To Dy. P.D.B. Chingleput. Engr. R.A. V.P.S.

DPH. H. (B) Sept.

From the P.D.B., Chingleput, D.O. No. Vil. d. 8-3-46.
 Sub:- Establishment - Chingleput St. Bd. - Sandanaswami Pillai - Sri M.P., Headmaster, Board High School, Ponamallee - Waiver of recovery of excess pay.

With reference to A.4's orders at 'A' in the D.O. on p.1 cf., please see the Memo. on p.19 cf. of G.O. No. 192 Edu d. 28-1-46 put up at (C).

The file may be circulated to A.4.
 Pl see the notes on p.p. 6-7 etc (C) in the memo d. 28.1.46 and the Ex. in clp on p.p. 14-15 etc

Period in Interview. The point made by the P.D.B. was that the original objection relating to the terms of the entry in the S.B. was incorrect; that at that time

10

itself the objection shd. have been that the pay was incorrectly fixed at Rs. 120 p.m. that service registers are produced for scrutiny only in the D.B. office & not sent to Enr. office. That only on 28-9-46 was the real objection taken after check of the Service registers I think there are sufficient grounds to waive recovery of excess payment for the period up to 30-9-46

2 In view, however, of the circular d. 10.8.45 (below) from Insps. of M.L. Councils & L.B.s. is there not a case for referring the pay at Rs. 120/- from the outset? Examine the correspondence mentioned in this circular



The originals of Memo.No. 32495/44-1 A L.A. dated 26-1-45 and No. 14901-2 A L.A. dated 16-7-45 are put up at (L) and (G). As L.T. assistant Sri M.P. Sandanaswami Pillai was drawing a pay of Rs. 100 p.m. plus a personal pay of Rs. 20 p.m. The personal pay was granted to him to save him from loss [P.T.O.]

in emoluments. According to the ruling in Memo.No. 14901-2 L.A. dated 16-7-45 his pay should have been fixed at Rs. 120 p.m. from the outset, i.e. with effect from 30-4-1940. The question of over-payment to him would not therefore arise. On the other hand the question will arise whether he should be paid any arrear of salary based on the fixation of his pay at Rs. 130 p.m. with effect from 30-4-1940. This, however, depends on whether the intention is that retrospective effect should be given to the ruling in the Memo. referred to. The general question as to the applicability of the ruling to teaching staff in local fund and municipal educational institutions has been separately raised by the D.P.I. and the Examiner of Local Fund Accounts - vide L.F.I below (C.No. 59607/45). The decision taken in that file may be applied to this case also.

L.A. may see for remarks, if any.

11/4/46
12/4/46
23-4-46

EXP. H. No. 13638 B.1/46-2

207

3 APR 1946

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31-7-46

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EXP. H. Dept. (B.1)



The file may lie over till a decision is arrived at in the linked file I above (C.No. 59607/45)

In the linked file referred to above it has been decided that the order in Memo No 14901-2

4
should have no retrospective effect and that if a person promoted to a higher post was in receipt of a personal pay on the date on which the orders were passed viz 16.7.45 his pay may now be re-fixed taking into account the personal pay drawn on that date. The pay of Sri M. P. Sandanaswami Pillai - Headmaster in the service of the District Board Chingleput cannot ^{therefore} be fixed at Rs 120 from the date of his first appointment as headmaster on 30.4.40 taking into account the personal pay of Rs 20 drawn as drawing as d.T. Assistant.

2. Attention is solicited to the notes on pp 6-7 re:

of G.O. no 192 Edu D 28.1.1946. The initial pay of the headmaster was wrongly fixed at Rs 120 instead of at

Rs 110 plus a personal pay of Rs 10 and he was allowed to draw increments on the dates they accrued according to the pay fixed by the P.D.S. Chingleput. In

G.O. no 192 Edu D 28.1.46 the Govt wanted the recovery of the amount overpaid from 30.4.42 to 31.7.43. H 14-15 of 2 C

The contention of the P.D.S. Chingleput is that - p 4 of

the real objection to the fixation of pay at Rs 120 from the date of promotion as headmaster was taken

in Audit only on 28.9.44 after examining the service

register. Attention is solicited to Mr. Porram's

minute on p 2 of wherein he has opined that there

are sufficient grounds to waive recovery of excess

payments up to 30.9.44 - It is for consideration whether

this may be done so that the matter may be closed

once for all.

15 of 1 C
x further remarks
in L.F. 751 B
28/9/44
Mr J.B. Brinn's
minute on P2
N.F. (?)
2 J. Br
may be
appd
2.9.46

Subject to orders, a draft order is submitted below for approval. The file may be circulated to HM (cont)

